

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JOSEPH ALEXANDER MILLER,)
Petitioner,)
v.) No. 1:20-cv-01101-JDB-jay
UNITED STATES OF AMERICA,) Re: 2:03-cr-20065-JDB-1
Respondent.)

ORDER DIRECTING PETITIONER TO SHOW CAUSE

On February 3, 2020, Petitioner, Joseph Alexander Miller, filed a pro se motion to vacate, set aside, or correct his sentence (the “Petition”), pursuant to 28 U.S.C. § 2255. (Docket Entry (“D.E.”) 1.) Petitioner alleges that he received ineffective assistance of counsel relating to his violation of supervised release. The revocation proceedings resulted in a period of incarceration with no further supervised release to follow. (*See United States v. Miller*, 2:03-cr-20065-JDB-1, D.E. 109 (W.D. Tenn. June 10, 2019).) The Respondent, United States of America, filed an answer to the Petition on July 28, 2020. (D.E. 8.) Miller filed an out-of-time reply on September 4, 2020. (D.E. 9.) A search of the federal felony offender website shows that Petitioner was released from federal custody on April 23, 2021.¹ Miller is therefore ORDERED to show cause within twenty-eight days of entry of this order why the Petition and this case should not be dismissed as moot. *See Spencer v. Kemna*, 523 U.S. 1, 7–8 (1998) (citing *Carafas v. LaVallee*, 391 U.S. 234, 237–38 (1968)) (a habeas petition is moot upon the petitioner’s release from custody, unless some

¹ See <https://www.bop.gov/inmateloc/apps.tn.gov/foil/results.jsp> (last accessed 4/28/2022).

“concrete and continuing injury” or “collateral consequence[]” exists as a result of the detention challenged).

Petitioner’s failure to comply with this order will result in dismissal of the Petition and this action without further notice pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 5th day of May 2022.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE